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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 Jonathan McNeal,  
9 Plaintiff

10 vs.

11 Nye County School District, et al.,  
12 Defendants

Case No.: 2-12-cv-01717-JAD-CWH

**Order Regarding Motion to Dismiss  
Punitive Damages Claims Against  
Defendant Nye County School District  
[Doc. 11]**

13  
14 **I.**

15 **Introduction**

16 This is action alleges civil rights claims and various torts against the Nye County School  
17 District and four of its alleged employees. The Complaint, Doc. 1, contains 16 claims for relief and  
18 prays for compensatory and punitive damages. On October 19, 2012, the School District moved to  
19 dismiss any punitive damage claim asserted against it. Doc. 11. The School District argues that  
20 Plaintiffs' eighth, ninth, tenth, twelfth, thirteenth, and fourteenth claims for relief against various  
21 individual alleged employees *and* the School District pray for punitive damages against "Defendant"  
22 but Plaintiff does not specify which defendant is the target of those punitive damages claims. Doc.  
23 11 at 2. And the School District notes that, as a matter of law, punitive damages are not recoverable  
24 against a municipality. *Id.* at 3. Plaintiff does not dispute that punitive damages are not available  
25 against the School District. Doc. 12 at 1–2. He states, "to clarify any potential misconception of  
26 Plaintiff's Complaint, Plaintiff is not asserting a claim for punitive damages against" the School  
27 District," and asks the Court to deny the motion to dismiss as moot. *Id.* at 2.  
28

II.

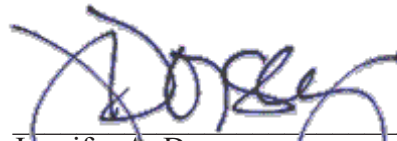
**Discussion and Disposition**

The Court agrees with the School District that paragraphs 93, 101, 109, 128, 135, and 142 in the Complaint pray for punitive damages against “Defendant” without identifying which defendant (of the two that are the subject of these respective claims) it is referring to, leaving it unclear whether Plaintiff is seeking punitive damages against the School District. All doubt on that subject, however, was removed by the Plaintiff’s representation in his Response that “Plaintiff is not asserting a claim for punitive damages against Defendant NCSD.” Doc. 12 at 2:3–4.

The Court takes Plaintiff and his counsel at their word and construes paragraphs 93, 101, 109, 128, 135, and 142 to pray for punitive damages only against the individual defendants that are a subject of the respective causes of action in which these paragraphs are found. Accordingly, the School District’s Motion is DENIED as moot as there is no dispute that the Plaintiff does not—and did not intend to—seek punitive damages against the School District.

Accordingly, and good cause appearing, IT IS ORDERED that Defendant Nye County School District’s Motion to Dismiss [Doc. 11] is DENIED as moot.

DATED September 26, 2013.

  
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Jennifer A. Dorsey  
United States District Judge